



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

THE BLACK ROSE INC. DBA THE BLACK ROSE
160 STATE STREET
BOSTON, MA 02114
LICENSE#: 011600709
VIOLATION DATE: 12/06/2014
HEARD: 03/31/2015

The Black Rose Inc. dba The Black Rose (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 31, 2015, regarding the alleged violation of 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (e) Failure to complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated December 6, 2014;
2. Licensee's Stipulation of Facts;
3. Photocopy of 2015 License; and
4. Photocopy of Most Recently Completed Fire Safety Checklist dated March 16, 2014.

There is one (1) audio recording of this hearing.

FACTS

1. On Saturday, December 6, 2014, at approximately 6:45 p.m., Investigators Kujawski and Keefe (the "Investigators") investigated the business operation of The Black Rose Inc. dba The Black Rose to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators identified themselves to the manager on duty, Jeffrey Soivilien and asked if he had completed his fire and building safety checklist.
3. Mr. Soivilien said he was not sure but would check his paperwork.
4. Approximately 10 minutes later, Mr. Soivilien brought a folder of fire and building safety checklists to Investigators.
5. Investigators observed that the checklist was dated March 16, 2014, but had an arrow drawn pointing to the right of the March date, where a new date was printed reading December 6, 2014.
6. Investigators looked through the folder and observed other checklists all dated for the month of March 2014.
7. Mr. Soivilien stated that he was no longer the crowd manager and that he did not know who filled out the fire and building safety checklists.

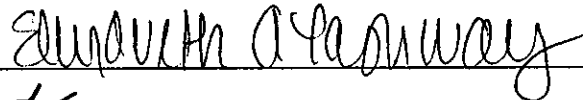
8. A few minutes later Vinny Polcari, who identified himself as another manager, came to speak with Investigators.
9. Mr. Polcari stated that his staff had become complacent, and he apologized to investigators.
10. Investigators advised Mr. Polcari of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

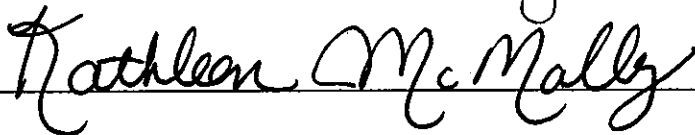
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (e) Failure to complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons. Therefore, the Commission **suspends the license for four (4) days of which four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: May 11, 2015

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File